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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,935	05/04/2001	Michael John Faulks	659/794	8929

7590 05/19/2004

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EXAMINER

MARCELO, EMMANUEL MONSAYAC

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/849,935

Applicant(s)

FAULKS ET AL.

Examiner

Emmanuel M Marcelo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-82 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 57-69 and 76-82 is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 11-18, 21, 23, 26, 28, 29, 32-40, 44, 46-53, 70 and 71 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 8-10, 19, 20, 22, 24, 25, 27, 30, 31, 41-43, 45, 54-56 and 72-75 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

Upon further consideration of the prior art, the indication of allowable subject matter with respect to claims 29 and 32-39 has been withdrawn.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7, 11-18, 21, 23, 26, 28, 29, 32-40, 44, 46-53, 70 and 71 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker (British Patent 1,327,954).

Walker discloses a chassis and a wiper blade, the dispenser comprising wipes and a gap; the wipe comprising a tail end; the wipes being capable of being removed from the dispenser by pulling the tail through the gap; the assembly also has a rounded tension member (35; Figure 6); a cover (60) comprising at least one post (at 61); the wiper is removably attached to the chassis. Regarding claim 70, a means (62) for securing the tail of the wipes in the gap; and means (35) for preventing the wipes from the wedging in the gap. The wiper blade and chassis are integral as shown in Figure 6.

***Allowable Subject Matter***

Claims 5, 6, 8-10, 19, 20, 22, 24, 25, 27, 30, 31, 41-43, 45, 54-56 and 72-75 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 57-69 and 76-82 are allowed over the prior art of record.

***Response to Arguments***

Applicant's arguments filed February 13, 2004 have been fully considered but they are not persuasive.

In reply to applicants remarks bridging pages 2-3, what specific structure recited in the claims is applicant relying on to differentiate the instant wiper blade from the wiper blade of Walker? Applicants' remarks regarding the durometer hardness of the blade is beyond the scope of the claims and will not be further considered. Although the rail 62 aids in the cutting of the web, it also aids in the dispensing of the web. It is respectfully submitted that Walker anticipates the wiper blade as recited in the claims.

In reply to applicants' remarks beginning the second full paragraph of page 3 of the remarks regarding claims 1, 7 and 40, it is respectfully submitted that Walker disclose a chassis as claimed. In Figure 6, it appears that the unnumbered element above and attached to element 62 (wiper blade) supports element 62. The examiner believes that this unnumbered element serves as "chassis" for the element 62. What recited element or elements in the claims are applicants relying on to differentiate the instant "chassis" from the chassis disclosed by the Walker.

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In reply to applicants' remarks on the first paragraph of page 5 regarding claims 12-18 and 47-53 (and claims 32-38), the amount of wipes retained in the dispenser is dependent on the amount of the wipes removed from the dispenser by a user.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel M Marcelo whose telephone number is 703-305-6597. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki can be reached on 703-308-2688. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Emmanuel M Marcelo  
Primary Examiner  
Art Unit 3654

emm  
May 17, 2004